

On motion of Mr. Bryan, the report of the committee on the Judiciary on a bill to amend an act to regulate proceedings in the district courts was taken from the table and placed among the orders of the day.

Mr. Durst introduced a bill to relinquish the right of the State to a certain tract of land therein named ; read first time.

#### ORDERS OF THE DAY.

A bill for the relief of Reuben Fisher and John Fisher ; read third time and passed.

House bill for the relief of the heirs of Thomas Scott, dec'd ; read first time.

The report of the committee on the Judiciary on a bill to ascertain all forfeited and escheated lands ; read, and on motion of Mr. Kyle, the report was laid on the table.

Mr. Kyle offered the following amendment to the bill :

Add to 3d section : "*Provided*, That no location heretofore made, or which may be hereafter made on any titled lands which may be declared escheated or forfeited under the provisions of this act, shall be valid or of any effect ; but such lands shall be held separate from the mass of the public domain."

"Sec. 4. That it shall be the duty of the respective district attorneys to institute actions of ejectment in favor of the State against any and all persons who may be in possession of any escheated or forfeited lands in their respective districts, which suits shall be conducted in the same manner as similar actions between individuals."

On motion of Mr. Jowers, the bill and amendment were laid on the table.

On motion of Mr. Keenan, the report of the committee of Conference on a bill to incorporate the Galveston and Shreveport Telegraph company, recommending that the Senate recede from its amendment, was taken up and adopted.

A bill supplementary to an act to incorporate the city of Corpus Christi, approved February 11th, 1852 ; read.

Mr. Durst presented a remonstrance from sundry citizens of Corpus Christi against the passage of the bill.

On motion of Mr. Scott, the Senate adjourned until 9 o'clock to-morrow morning.

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FRIDAY, December 23, 1853.

The Senate met pursuant to adjournment—prayer by the Rev. Mr. Craig—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Potter presented the petition of sundry citizens, asking relief for Powell R. Edwards, for bringing back to Texas John Shults, a fugitive from Justice; referred to the committee on Finance.

Mr. Armstrong presented the petition of Theodore L. Young, of Bartlett Sims, of David Chance, of James C. Sims, and of Alexander McLean; which were severally referred to the committee on Private Land Claims.

Mr. Paschal, from the committee on Enrolled Bills, reported that the following had been correctly enrolled, viz:

An act to provide for the construction of the Mississippi and Pacific Railroad;

An act supplementary to an act authorising the Commissioner of the General Land Office to appoint draughtsmen and assistant clerks in his department, and to fix the salaries of the Commissioner and all under his control;

And an act making an appropriation for the per diem pay and mileage of the members, and the per diem pay of the officers of the fifth Legislature.

Mr. Paschal presented the petition of Elizabeth Hays and Mary C. Hays; referred to the committee on Private Land Claims.

Mr. Bryan offered the following resolution:

*Resolved*, That the Secretary of the Senate shall issue to Senators Keenan, Lytle, Pedigo and Wren certificates for pay, dating from the beginning of the present session. Adopted.

Mr. Newman introduced a bill to authorize L. B. Camp turnpike the Sabine bottom, and a joint resolution providing for amending the constitution; which were read a first time.

Mr. Paschal introduced a bill for the relief of Juliana Herrera; read first time.

A message was received from the House, informing the Senate that the House had passed a bill to incorporate the Austin and Houston Turnpike company, and a bill incorporating the Grand Temple of Honor of the State of Texas and subordinate Temples under its jurisdiction, which originated in the Senate.

Mr. Paschal introduced a bill for the relief of Fraylan De la Garza; read first time.

On motion of Mr. Holland, Senators Jowers and Taylor were excused from attendance on the Senate on account of sickness.

On motion of Mr. Potter, Mr. Doane was granted leave of absence for a few days.

## ORDERS OF THE DAY.

A bill supplementary to an act to incorporate the city of Corpus Christi, approved February 11th, 1853; read.

Mr. Durst offered a substitute for the 5th section, which was adopted, and bill ordered to be engrossed.

A bill to authorise and require the Commissioner of the General Land Office to issue a patent to Margaret Kennedy; read and ordered to be engrossed.

A bill to incorporate Mann's Bluff Turnpike company, together with the report of the committee on Roads, Bridges and Ferries, offering amendments thereto, was read and amendments adopted.

On motion of Mr. Newman, the word "woman," in 4th section was stricken out, and bill ordered to be engrossed.

A bill to incorporate the McKenzie Institute, in Red River county; read and ordered to be engrossed.

The report of the committee on Internal Improvements, recommending that a bill to incorporate the Jefferson and Dallas Plank Road company be referred to the committee on Roads, Bridges and Ferries, was read and adopted.

A bill to incorporate the Texas Association of Dental Surgeons; read, and on motion of Mr. Keenan, laid on the table.

On motion of Mr. Sublett, it was taken from the table and placed among the orders of the day.

A bill to prescribe the manner in which the Governor shall issue his proclamations; read and ordered to be engrossed.

A bill to amend the 5th section of an act to regulate Ferries, approved January 23d, 1850; read and passed to a third reading.

A message was received from the Governor, through his private secretary, transmitting the following communication :

## GOVERNOR'S MESSAGE.

*Gentlemen of the Senate,  
and of the House of Representatives:*

The constitution makes it the duty of the Governor to give you information, in writing, of the state of the government, and recommend to your consideration such measures as he may deem expedient. It cannot, however, be expected that I shall be able, so soon after my installation, to give you much information upon these subjects; I shall, therefore, for the present content myself with a reference to the very full and satisfactory communication of my predecessor, delivered to you at the commencement of your session, with the assurance that I shall hereafter communicate whatever information I may obtain in relation to the condition and operation of the government, that will be interesting to you, or useful in the prosecution of your labors.

In recommending measures for your consideration, I shall mainly confine myself to a few of those important and leading ones that seem to have been designated by public opinion for the action of the present Legislature, the early adoption of which will tend rapidly to develop the resources of the State, and to promote the happiness and prosperity of its citizens.

Of these measures, one of the most important is, to make a suitable and permanent provision for the support of public schools. The highest and most sacred duty of a free government is, to provide the means for educating its citizens in a manner that will enable them to understand their duties and their obligations; this, too, is a measure that is enjoined upon the Legislature by the constitution.

The want of available means has heretofore furnished a ready excuse for the neglect of this duty. But this no longer exists. The State now has ample means at its command, and an opportunity is offered to establish a system of public schools that will extend its benefits to every child within its limits; if we fail to embrace it, we shall be faithless to our duties and the trust that has been reposed in us by our fellow-citizens.

It is respectfully recommended, that two millions of dollars of the United States five per cent. bonds, now in the treasury, shall

be appropriated and set apart as a permanent fund for the support of public schools. That the income of this fund shall be annually apportioned to the several counties of the State, according to the number of free children in each between the ages of five and sixteen years, to be ascertained in such manner as may be considered most convenient; and that the amount due to each county shall be paid over to the county treasurer semi-annually, to be disbursed under the orders of the county courts, to such teachers as the parents or guardians of the children may choose to employ for their education.

I do not pretend to recommend this as a perfect system; but its operation will be simple and cheap; it may be commenced without delay, and it seems to be better adapted to our situation than any other system that has come under my notice. A plan very similar to this has succeeded well in some of the neighboring States, where the population is sparse, like our own. Time and experience will point out the defects of the system proposed, and enable us by future legislation to perfect and adapt it to the situation and wants of our population.

I would also recommend that the amount which has already accumulated by the appropriation of the one-tenth of the annual revenue of the State derivable from taxation, be added to the principal of this fund, and that for the future, this tenth be apportioned in the same manner as the income of the fund.

Under the present provisions of the constitution, the lands that have been donated to the several counties for public schools cannot be alienated in fee, nor disposed of otherwise than by lease, for a term not exceeding twenty years. In a State where land is so cheap as it is here, and where so large a quantity is in market, it cannot be expected that under these provisions any benefit will be derived from these school lands during the present generation. Much of it is located in large bodies, in sections of the State where it would be improved if subject to sale. The policy of reserving from sale, and consequently from cultivation, such large bodies of land, may well be questioned, and I recommend to your consideration the propriety of an amendment to the constitution, by which these lands may be alienated under the direction of the Legislature, upon the petition of a majority of the citizens of the county owning the lands.

If such an amendment were adopted, these lands might be subdivided into small and convenient tracts, and each alternate tract might be sold upon a long credit, at not less than a minimum price; the purchaser to pay an interest of six per cent.



on the amount of his purchase, to be annually expended in the same manner as the school money distributed by the State. By adopting this policy, most of the counties would derive some immediate benefit from their school lands, and the alternate tracts reserved from sale would much more rapidly increase in value.

The want of a good University in the State, where a liberal education can be obtained, is a serious inconvenience. It should be our policy to furnish, within our own limits all the means for obtaining an education, that can be had in any part of the Union, so as to remove the necessity of having to send our youth abroad to be educated among those who are hostile to the policy and institutions of the State.

The present seems to be a favorable time to lay the foundation for such an institution, and I respectfully recommend that the sum of two hundred and fifty thousand dollars of the United States bonds now in the treasury, be appropriated and set apart as a perpetual fund, the interest of which shall be applied to the erection and support of a State University. The income of such a fund, with the amount that may hereafter be realized from the lands that have been set apart by an act of the late Republic, will, at no distant period, enable us to build up a University fully adequate to all the wants of our State. I am aware that these lands were appropriated for the establishment and endowment of two Universities, but I suggest for your consideration, that it would be better to have one well endowed institution of the kind, than to apportion our funds for the erection of two, neither of which could afford the advantages which are furnished by similar institutions in other States of the Union.

Should such an appropriation be made, it will be necessary to pass laws for the location of the proposed University at some central point, convenient to the entire State, as well as for the erection of the necessary buildings and for the organization and government of the institution.

The establishment and endowment of an Asylum for lunatics, and an institution for the education of the deaf and dumb, are measures that should commend themselves to your consideration. Our census tables show that we have in our midst many of both of these unfortunate classes, who have a claim upon our sympathy and bounty, and who now have to be sent away from their friends to distant parts of the Union, in order to obtain the means of alleviating and improving their condition.

Institutions of this character cannot be established in a State

so new as ours, except under the care and patronage of the government, and I recommend that the sum of five hundred thousand dollars of the United States bonds be appropriated and set apart as a perpetual fund, one-half for each of these institutions, the income of which shall be applied to their erection and support. Should you concur in this recommendation, you will of course pass the necessary laws for their location, establishment and government.

These appropriations will absorb a large portion of the United States bonds now in the Treasury, but the objects for which it is proposed to use them are of great practical utility, and will be productive of benefits as lasting as the institutions under which we live.

The improvement of our navigable water-courses and the construction of railroads are measures of great interest to our citizens, and have deeply engaged public attention. Our past legislation has frequently been directed to these objects, but it has been productive of little if any benefit.

The rejection, at the late election, of the river bill of the last session, cannot be fairly considered as an expression of the people against the policy of attempting to improve our navigable rivers. That bill was defective in its details, and made insufficient appropriations for those streams that are susceptible of being improved, while it contained many appropriations for objects of questionable utility. It should be borne in mind that our large rivers have, without any improvement, hitherto furnished the means of transporting most of our productions to a market, and we must continue to rely upon them to a great extent for many years, even if the construction of railroads shall proceed as rapidly as is anticipated by their most sanguine friends. It is believed that a moderate expenditure of money by the government would greatly increase their usefulness and add largely to the value of the taxable property of the State. If such be the case, it certainly is an object worthy of your encouragement and patronage.

The advantages to be derived to our State from the construction of railroads, are too obvious to require demonstration; the necessity for them is felt and acknowledged by all, and it is a question of great interest to our citizens to devise and adopt some policy, by which we can secure their construction at the earliest period.

The limitations imposed by the Constitution upon the power of the Legislature, preclude the State from undertaking these improvements or becoming a part owner of the stock of any

corporation created for that purpose. The active capital in the hands of our own citizens is insufficient to secure their construction, but, for the attainment of this object, we may hold out sufficient inducements for the introduction of capital from abroad. It cannot be disguised that the population and business of the State are not such, at this time, as to promise the return of an immediate profit on the amount that may be invested in such enterprizes. Indeed, it may well be doubted whether a railroad in any section of the State would, for the next five years, pay an interest of five per cent. on the amount invested, in addition to the costs of repairs and other expenses necessary to keep the road in operation. If, therefore, we would invite the employment of capital from abroad, in railroads in this State, we must hold out such inducements of ultimate profit as will compensate the holders of it, for the small interest they will receive during the first years of its investment. Fortunately, the large extent of our public domain will enable us to do this, without imposing any onerous burden on our citizens.

I had intended on this occasion to present you my opinions in relation to the best mode of securing the passage across our State of the proposed rail road to the Pacific Ocean; but this is now rendered unnecessary by the bill which you have already passed to provide for the construction of the Mississippi and Pacific Rail Road. While the principal provisions of this law are unobjectionable, I think it might have been improved in some of its details, particularly in that provision which authorizes the company to receive patents for the lands selected previous to the completion of the entire road.

It is to be hoped that this law will accomplish for the State all that is anticipated by its friends.

The duties and responsibilities imposed upon the Governor under the provisions of this law will be cheerfully undertaken, and I shall endeavor to execute them in a manner calculated to effect the objects intended by the Legislature.

In adopting any general system for aiding other companies in the construction of rail roads, we find ourselves embarrassed by the numerous charters that have heretofore been granted to individuals, without any specific designation of the routes they were to pursue, who still hold and rely on them, although not a dollar of capital stock has ever been paid. It is much to be regretted that instead of granting charters indiscriminately to all who applied, without any assurance that the applicants were possessed of the necessary means to comply with their provisions, the State did not first locate and survey such routes as the wants of



commerce and the business of the country seemed to require, and then grant charters for these routes to companies who should organise after a subscription of stock, with an amount actually paid at the time of subscribing sufficient to show an intention of prosecuting the work in good faith. Had this course been pursued, our statute books would not have been encumbered with rail road charters, many of them commencing nearly at the same point, and conflicting with each other in the routes they propose to pursue, nearly all of which have expired, or are about to expire without having accomplished anything beneficial to the public.

In regard to such charters as have been heretofore granted, I respectfully recommend that no extension of time shall be granted to any company, unless satisfactory evidence is presented, that it has actually commenced the construction of its road, and that a sufficient amount of stock has been paid to give a reasonable certainty that the road will be completed. I would also suggest that in all such cases, the route and termination of the road shall be designated, when this has not been done in the original charter, and if any further donations of land are made to such companies, they should receive the patents only on the final completion of their roads.

In extending aid to future railroad enterprises, we ought to avoid the evils that have attended our past legislation on the subject.

I would suggest that all charters hereafter granted to railroad companies, should specifically designate the route to be pursued as well as the commencement and termination of the road. That they should appoint commissioners to receive subscriptions for stock, a portion of which should be paid at the time of subscribing, and whenever a reasonable amount of stock has been subscribed on these terms, the stockholders should be permitted to hold an election and organize the company. That the charter should also limit the time within which the companies shall commence their roads, and prescribe the number of miles to be constructed from year to year, until their final completion. The State should grant bounties of land sufficient to induce capitalists to become stockholders in companies thus organized, the land to be selected from time to time, as the road progresses, but no title to be issued until the road shall be completed according to the terms of the charter. These companies should be required to alienate the lands thus acquired within a limited time after the completion of their roads. Should this course be adopted, the State would secure the construction of valuable

works of Internal Improvements, before she parted with her lands, instead of being liable to have the works abandoned after those portions have been constructed which promise an immediate profit.

I would also suggest that the alternate sections upon the line of the Mississippi and Pacific road be granted to other roads connecting this with our gulf ports, with the Vicksburg road and the New Orleans and Opelousas road at such points as will best accommodate the different sections of the State.—Such a disposition of these sections is but just, since the portions of the State through which these branch roads are to be built, will receive no immediate benefit from the Pacific road unless they are thus connected with it.

In addition to the aid proposed to be extended to railroads in the manner heretofore indicated, I think it would be good policy to authorize the school fund, the university fund, and any other funds that may be set apart by the State for charitable and benevolent uses, to be loaned out, from time to time, to railroad companies, in this State, as they may progress with the construction of their roads. I entertain no doubt in relation to the power of the Legislature to make this disposition of these funds. The period is not very remote when the United States bonds will be redeemable, and necessity will then force us, if we would derive an income from their proceeds, to make some investment of them. If they can be securely loaned out, so as to be used in the prosecution of works of improvement calculated to develop the resources of the State, and contribute to the wealth and convenience of our citizens, it is our duty to make this disposition of them.

Should these views meet with your approbation, I recommend that a Board of Commissioners be established to consist of the Comptroller, Treasurer and Secretary of State, who shall be authorized, with the concurrence of the Governor, to loan these funds at six per cent. interest per annum, payable semi-annually, for a period not exceeding twenty years, to companies chartered by this State, for the construction of railroads and other works of internal improvement. The amount loaned to any company in no case to exceed the one-third of the actual cost of the works that have been constructed, and to be well secured by a lien on the property of the company, subject to be enforced without a suit, by a sale after sixty days public notice.

The condition of the Indian tribes within the limits of our State calls for some action on the part of the legislature. Our

situation in relation to this class of population is different from that of any of the frontier States of the Union. In these the General Government has the sole and exclusive control of the public domain over which the Indians formerly roamed, and under the power given by the Constitution to Congress to regulate commerce with the Indian tribes, that department has assigned to them certain limits which they are to occupy, and regulates all intercourse between them and the whites, and also between the different tribes. Under this policy, Indian depredations have ceased for many years. The General Government has the same power to regulate intercourse with the tribes within our limits, but it cannot be efficiently exercised, because having no right in the public domain it cannot set apart any particular district for their occupation, and without this their movements cannot be controlled. I respectfully suggest that a portion of our vacant domain, remote from the settled parts of the State, shall be appropriated for the temporary occupation of those remnants of tribes that properly belong to this State; that all locations within the limits thereof be prohibited, and that a qualified jurisdiction for Indian purposes be ceded to the General Government for a term of years, provided she will engage to remove them within those limits and keep them there subject to her laws regulating intercourse with the Indian tribes.

The business before the Supreme Court is increasing so rapidly that it will soon be impossible, with the present number of Judges, to dispose of the docket during each term; indeed, the number of cases now taken to that Court is so great, that many important ones are continued over from term to term for want of sufficient time to give them that thorough investigation which the vast interests involved require at the hands of the Judges. Much of their time is consumed in preparing the written opinions which they are required to give in each case. By increasing the number of the Judges, this labor will be divided, and more time given to the examination and decision of causes. I therefore recommend an amendment of the Constitution, so as to give the legislature the power to increase the number of the Judges to five. Should you concur in this recommendation, I suggest that you, at the same time, propose an amendment giving to the Governor power to fill all vacancies that may occur in the Supreme and District Courts, and in the offices of Attorney-General, District-Attorney, Comptroller, Treasurer and Commissioner of the General Landoffice, by appointment, to continue in force until the vacancy can be filled by the people at the next regular election for State or

county officers. Under the present provisions of the Constitution, should any of these officers die or resign, the office must continue vacant until an election can be held, which will take several months. Such an amendment would obviate the necessity that now exists for frequent elections at different periods in the year, and subserve the public interest by having these offices temporarily filled, immediately on the happening of a vacancy.

In connection with this subject, I feel it my duty to call your attention to the inadequate salaries now paid to the Judges of both the Supreme and District Courts. The duties of these offices are very laborious, and they should be filled only by men of stern integrity, and of superior legal attainments. It would seem needless to argue that, in order to secure men of qualifications adequate to the important and laborious duties which they have to perform, a just compensation should be paid for their services. It must be obvious to all, that the present incumbents of these offices have never received salaries commensurate with their labors and merits. I trust that this subject will not fail to receive your early attention and efficient action.

Your attention is invited to the law regulating appeals to the Supreme Court in criminal cases, under the provisions of which, in all cases, not capital, the prisoner, after conviction, by taking an appeal, is permitted to be released on bail. For several offences persons may be confined to hard labor in the Penitentiary for fifteen years; for others they may be confined in like manner for life; still, by this law, they, by taking an appeal, are entitled to bail after they have been convicted by a jury, and thus in all cases, except treason, and murder in the first degree, convicts have it in their power to purchase exemption from the penalties of our criminal laws. It is hoped that this evil will be remedied without delay.

It is believed that an examination of our criminal laws will show, that there are some offences for which free persons may be subjected to the barbarous punishment of whipping. These provisions are inconsistent with the general spirit of our criminal laws, and ought not longer to be retained.

Our laws, both civil and criminal, in my judgment, require a careful revision. We have adopted, it is true, the best portions of two different systems, but this was not done at the same time, and it was usually effected by crude and hasty legislation; as a necessary consequence, these different parts have never been brought to combine into one harmonious sys-



tem. Our rules of pleading and of practice in the courts are meagre and exceedingly defective. Our statutes concerning crimes and punishments were often passed without reflection, many of their provisions conflict with each other, and these, more than any other portions of our laws, require to be carefully revised and amended. These are defects which hasty legislation cannot cure.

I would recommend that you make a suitable provision for the appointment of a commission of three gentlemen learned in the law, whose duty it shall be to prepare a code of civil and one of criminal procedure; and also a code of general laws or rules of decision, and that all these be reported for the action of the next Legislature.

Should this be done with ability and care, our system of procedure might be better adapted to the attainment of the ends of justice than any other which has been devised, and the whole of the rules and principles of the general laws, which are now diffused in an almost endless number of text books and reports, could then be contained in a single volume. This would be accessible to all, and should be adapted, as near as possible, to every comprehension.

For the reasons mentioned above, it is evident that there is a stronger necessity for a revision and modification of our laws than those of any other State in the Union. Besides, we should receive aid from the lights furnished by the successful experiments of several of our sister States. I feel entire confidence in recommending this measure to your attention as one calculated to be productive of vast advantage to the State.

Our territory is so extensive and so sparsely settled that but little is yet known of its agricultural and mineral capacities. This must continue to be the case, if we wait for the slow process of settlement to develope them. It is believed that an accurate and scientific geological survey of the State will disclose sources of wealth and prosperity that would otherwise remain unknown for years; besides giving an accurate knowledge of our mineral wealth and its localities, it will doubtless show the capacity of our soil for the production of many profitable articles for export, the cultivation of which is now entirely neglected. By diffusing this information abroad, we shall make known the great inducements that our State offers to emigrants, and insure a large increase of population. I recommend this measure to your serious consideration.

It think it important that provision should be made for running and marking the boundary between Texas and the territo-

ries of the United States, from the point where it leaves Red River to where it intersects the Rio Grande. This duty might be imposed upon those who are selected to make the geological survey, without incurring much additional expense. The execution of any law that may be passed on this subject would, of course, be dependent upon a law being passed by the Congress of the United States for the appointment of commissioners on her part to join in the work. It is believed that our Senators and Representatives in Congress would have no difficulty in procuring the passage of such a law, if the initiatory step be taken on our part.

The Penitentiary, as at present conducted, is a heavy expense to the State. It is believed that if the buildings were completed and enclosed with a wall, according to the original plan, and suitable workshops erected, the labor of the convicts might be let out to the highest bidder, for a term of years, for an amount more than sufficient to re-imburse the expense of their maintenance. Under such an arrangement, the contractors should be required to employ the convicts either in manufacturing, or at such trades as would be least calculated to interfere with the mechanical industry of the State. It is hoped that this subject will receive that attention from you which its importance demands.

The laws granting pre-emption rights to actual settlers upon the public domain are somewhat obscure and conflicting in their provisions. I think it advisable that they be revised and so changed as to grant to each settler only two hundred acres of land. This is the quantity protected by the constitution, as a homestead to each head of a family, and is sufficient for farming purposes.

In connection with this subject, I call your attention to the law in relation to the right of aliens to hold lands. We are daily receiving large accessions to our population, by immigration from foreign countries. The first wish of these immigrants, on their arrival here, is to secure a home and an interest in the soil; but they are now denied this privilege until they have resided here five years—the period required for their naturalization. In many of the States of the Union, laws have been passed authorising aliens to hold lands immediately on their arrival, provided they make a declaration under oath of their intention to become citizens. Some of them have gone so far as to incorporate a provision in their constitution, giving to aliens all the rights of citizens of the State at a period much earlier than they can be obtained under the naturalization laws of the United States. This policy has secured to these States a large portion of the foreign

immigration for the last few years, and has added much to their productions and wealth. If the same liberal policy were here adopted, similar advantages could not fail to result to our State.

The State has heretofore made ample provision for a just and equitable settlement and payment of our revolutionary debt, and a portion of our creditors have acceded to the settlement of their claims, and received payment therefor; others refuse to acknowledge the right of the State to ascertain and fix the amount of her indebtedness to them, and insist upon receiving the face value of their claims, although they were issued by the government at rates varying from twenty to seventy cents on the dollar. In consequence of this refusal, five millions of the five per cent. stock that were to have been issued under the provisions of the act of Congress, approved the 9th day of September, 1850, proposing to the State of Texas the establishment of her northern and western boundaries, &c., are still unavailable to the State. A reasonable time has already been allowed for these creditors to accept of the terms proposed, and receive payment of the amount due them. I therefore respectfully suggest that a law shall be passed designating a time within which all holders of recognized claims against the State of Texas shall present them to the Treasurer, accompanied with releases of all claim against the United States for or on account thereof, in the form that has been prescribed by the Secretary of the Treasury, and approved by the President of the United States, or that such claims shall be forever barred and the holders no longer recognized as creditors.

The late period of your session at which I have an opportunity to make this communication, reminds me of the inappropriate time that the Governor enters upon the discharge of his duties. While the legislature and the Governor are elected at the same time, about seven weeks intervene between the commencement of the labors of these different departments of government. It is believed that if they entered upon their duties simultaneously, the sessions of the Legislature would be less protracted, and a large amount of expenditure saved to the State. I therefore recommend that the constitution be so altered as to require the Governor to be installed at the commencement of the regular sessions of the legislature.

Many other subjects of legislation, both of general and local interest, which have not here been noticed, will doubtless suggest themselves to you.

The situation of Texas at this time demands practical legislation.

I trust that all sectional feelings and prejudices will be discarded from your councils, and that every measure will be examined and acted upon solely with reference to its merits, and the effect it may have upon the interest of the State at large.

Our present condition is a most prosperous one, immigration and wealth are pouring into the State more rapidly than at any former period. A spirit of enterprise and improvement is now abroad among our people, which if judiciously fostered and encouraged, will at no distant period enable Texas to occupy that position among her sister States to which she is entitled from her extent of territory and great natural resources.

It is my sincere desire that you may be able hereafter to reflect that your labors have contributed much to elevate the moral, social, and political condition of the State.

December 23, 1853.

E. M. PEASE.

Mr. Potter offered the following resolution :

*Resolved*, That such portion of the Governor's message as refers to education, be referred to the committee on Education ; such as refers to changes of laws, to the committee on the Judiciary ; such as refers to Internal Improvements, to the committee on that subject ; such as refers to Indian affairs, to the committee on that subject ; such as refers to public debt, to the committee on Public Debt ; such as refers to public lands, to the committee on Public Lands ; such as appertains to a geological survey, &c., to the committee on State Affairs.

On motion of Mr. Gage, the Senate adjourned until Tuesday, 27th inst., at 10 o'clock, A. M.

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FRIDAY, December 27, 1853.

The Senate met pursuant to adjournment—roll called—quorum present.

The Journal of Friday was read and adopted.

#### PETITIONS.

Mr. Armstrong presented the petition of the heirs of John H. Connell, dec'd, asking for land ; referred to the committee on Private Land Claims.

Mr. Potter presented the petition of James P. Nash and of Ma-